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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/638,463	08/14/2000	Mika Forssell	781.369USW1	5353

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TYSONS CORNER, VA 22182

EXAMINER

MOORE JR, MICHAEL J

ART UNIT	PAPER NUMBER
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2666

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DATE MAILED: 04/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/638,463

**Applicant(s)**

FORSSELL ET AL.

**Examiner**

Michael J. Moore, Jr.

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 August 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-6,8 and 9 is/are rejected.
- 7) ☒ Claim(s) 2 and 7 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 August 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>5.6</u> | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statements (IDS) submitted on 8/14/2000 and 11/13/2000 are in compliance with the provisions of 37 CFR 1.97. Accordingly, the examiner has considered the information disclosure statements.

### ***Drawings***

2. Figures 1 and 2 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Also, there is some confusion as to step 54 in Figure 5. There is a "Yes" and "No" option displayed in this step, but there appears to be no indication of what happens if "No" is selected in Figure 5 or the specification. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Specification***

3. The abstract of the disclosure is objected to because of the following informalities: There is some confusion as to the wording used in some of the content on lines 5-8 of the abstract. The abstract states, "The first support node sends from its memory, data addressed to the mobile station to the second support node. It then waits for a predetermined period of time before sending the data to the second support node." There is some confusion as to the "data" stated in these two sentences. It is believed that the "data addressed to the mobile station" spoken of is the "context data of the mobile station" stated later in the abstract. It is suggested that these statements are

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clarified. Also, on line 10, the word "note" should be "node". Correction is required.

See MPEP § 608.01(b).

### ***Claim Objections***

4. Claims **1-9** are objected to because of the following informalities: It is suggested that the numbers corresponding to the steps of Figures 2-4 are removed from the claim language in order to avoid antecedent basis issues. Also, there is an objection to the word "probable" used in claim **1** as well as the word "likely" used in claim **9**. These are vague terms that should be clarified in these claims. Lastly, there is an objection to the term "PDP context" used in claim **8**. There is no explicit referral to this term in claim **1**.

### ***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

6. Claims **1, 3, 4, 5, 6, 8, and 9** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7. Claim **1** recites the limitation "the context data" in line 9, "(2-3c, 3-3c, 4-3c)" in line 11, "the fulfillment" in line 14, "the context" in line 15, and "the routing area" in line 17. There is insufficient antecedent basis for these limitations in the claim.

8. Claim **3** recites the limitation "each quality of service" in lines 2 and 3. There is insufficient antecedent basis for this limitation in the claim.

9. Claim **4** recites the limitation "the connection" in lines 2 and 3. There is insufficient antecedent basis for this limitation in the claim.

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10. Claim 5 recites the limitation "the time setting" in line 4 as well as the limitation "the retransmission timer" in line 4. There is insufficient antecedent basis for these limitations in the claim.

11. Claim 6 recites the limitation "the message" in line 4 as well as the limitation "the context data" in line 5. There is insufficient antecedent basis for these limitations in the claim.

12. Claim 8 recites the limitation "the packets" in line 6 as well as the limitation "the receiver" in line 7. There is insufficient antecedent basis for these limitations in the claim.

13. Claim 9 recites the limitation "the node" in lines 1 and 2, "the fulfillment" in line 6, "the second support node" in lines 6 and 7, and "the context data" in line 7. There is insufficient antecedent basis for this limitation in the claim.

***Allowable Subject Matter***

14. Claims 1-9 are allowable over the prior art of record.

15. The following is an examiner's statement of reasons for allowance:

Regarding claim 1, the prior art of record teaches a method of transmitting data in a packet radio network to a mobile station performing a routing area update where a mobile station sends a routing area update message to a support node (SGSN) upon a relocation of the mobile station. The prior art of record fails to teach the delaying of data transmission from the second SGSN to the mobile station until after the context data of the mobile station has been sent from the first SGSN and received successfully by the second SGSN.

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Regarding claims **2-8**, these claims are further limiting to claim 1 and are thus also allowable over the prior art of record.

Regarding claim **9**, the prior art of record teaches a support node (SGSN) in a packet radio network that is arranged to support data transmission to a mobile station (MS) that is performing a routing area update. The prior art of record fails to teach the delaying of data transmission from the second SGSN to the mobile station until after the context data of the mobile station has been successfully received by the second SGSN.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Moore, Jr. whose telephone number is (703) 305-8703. The examiner can normally be reached on Monday-Friday (8:30am - 5:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema S. Rao can be reached at (703) 308-5463. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael J. Moore, Jr.  
Examiner  
Art Unit 2666

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